

ZB# 94-2

Terri Rogers

13-14-3

#94-2 - Rogers, Terri - near yd.

Prelim.

Jan. 10, 1994.

- Need copies of:
- (1) Deed ✓
 - (2) Title Report ✓
 - (3) Fees (1) 50.00 ✓
(2) 292.00 ✓
 - (4) Photos ✓

(Terri to call
when list is ready.)
1/24/94 Terri to return letters for mailing

Public Hearing:

Feb. 14, 1994.

Area Variance
Approved.

C07142 - Lorenzen, R. L. W.

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

13847

Jan. 31 1994

Received of Rosella Curry / Terri Rogers \$ 50.00

fifty 00/100 DOLLARS

For # ZBA # 94-2 Application fee

DISTRIBUTION:

| FUND | CODE | AMOUNT |
|-----------|------|--------|
| Ch # 5316 | | 50.00 |
| | | |
| | | |

By Dorothy H. Hanson
sh

Town Clerk

Title

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CO # 142 - Lorenzen, R.

| FUND | CODE | AMOUNT |
|-----------|------|--------|
| Ch # 5316 | | 50.00 |
| | | |
| | | |

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

By Dorothy N. Nansen 1
sh

Town Clerk

Title



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT:

Rogers, Terri
Curry, Rosella

FILE #

94-2.

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00.

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 292.00

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE \$ _____
2ND PRELIM. MEETING - PER PAGE \$ _____
3RD PRELIM. MEETING - PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ _____

ATTORNEY'S FEES:

PRELIM. MEETING- _____ HRS. \$ _____
2ND PRELIM. _____ HRS. \$ _____
3RD PRELIM. _____ HRS. \$ _____
PUBLIC HEARING _____ HRS. \$ _____
PUBLIC HEARING _____ HRS. (CONT'D) \$ _____
FORMAL DECISION _____ HRS. \$ _____
TOTAL HRS. _____ @ \$ _____ PER HR. \$ _____
TOTAL \$ _____

MISC. CHARGES:

_____ \$ _____
TOTAL \$ _____

LESS ESCROW DEPOSIT . . . \$ _____
(ADDL. CHARGES DUE) . . . \$ _____
REFUND TO APPLICANT DUE . . \$ _____

-----X

In the Matter of the Application of

TERRI ROGERS and ROSELLA CURRY,

DECISION GRANTING
AREA VARIANCE

#94-2.

-----X

WHEREAS, TERRI ROGERS' and ROSELLA CURRY, 12 Myrtle Avenue, New Windsor, New York 12553, have made application before the Zoning Board of Appeals for 24 ft. rear yard variance for an existing deck located at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 14th day of February, 1994; and

WHEREAS, Ms. Terri Rogers appeared before the Board in support of the application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations pertaining to rear yard in order to maintain an existing deck located on her residential parcel in an R-4 zone.

3. The evidence presented by the applicant substantiated the fact that a variance for less than the allowable rear yard would be required in order for applicant to obtain a certificate of occupancy for the existing residential parcel and deck located at the above address, which otherwise would conform to the bulk regulations in the R-4 zone.

4. The evidence presented by the applicant indicated that the applicant reconstructed and enlarged the original deck because it was in a deteriorated condition. It was located at its present location to allow access to the deck through an existing rear door to the residence.

5. The applicant now submits the instant application for area variances in order to try to obtain a Certificate of Occupancy for the existing deck.

6. The evidence presented by the applicant indicated that the increase in the size of the deck was necessary.

7. The evidence presented by the applicant indicated that the aesthetics and utility of the deck were much improved with the addition to the deck.

8. The evidence presented by the applicant indicated that it would be uneconomic to reconstruct the conforming deck.

9. The evidence presented by the applicant and the Board's familiarity with the area indicated that the neighborhood surrounding the subject site is devoted to residential use.

10. In addition, the Board finds that many of the neighborhood properties are improved with decks of a similar or larger size.

11. It is the finding of this Board that the requested variances, if granted, will not blight the proper and orderly development and general welfare of the community since many of the residential dwellings located in the immediate area also have decks of comparable dimensions.

12. Given the factors, it is the finding of this Board that the applicant's existing deck has not had, and will not have, an adverse effect on property values in the neighborhood.

13. The evidence presented by the applicant further substantiated the fact that the requested variance, if granted, would not have a negative impact on the physical or environmental conditions in the neighborhood since the deck enhances the applicant's dwelling, is quite well concealed from view of the neighbor and does not detract from the neighborhood.

14. It is the finding of this Board that the proposed variance will not adversely impact the public health, safety and welfare.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variance is substantial in relation to the bulk regulations for rear yard. However, it is the conclusion of this Board that the granting of the requested variance is warranted because of the apparent enjoyment of both the applicants and the neighbors.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the

bulk regulations is self-created since apparently she did not apply for a building permit for reconstruction of the deck.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

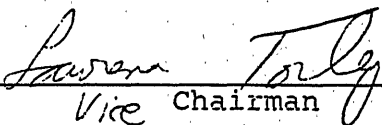
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 24 ft. rear yard variance for an existing deck at 12 Myrtle Avenue in an R-4 zone, as sought by applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: March 28, 1994.


Vice Chairman

(ZBA DISK#12-031594.TR)

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

94-2

Date: 1/31/94.

I. ✓ Applicant Information:

- (a) Rosella Curry + Terri L. Rogers 12 Myrtle Ave 565-5616
(Name, address and phone of Applicant) (Owners)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

() Use Variance

() Sign Variance

(X) Area Variance

() Interpretation

III. ✓ Property Information:

- (a) R-4 12 Myrtle Ave 13-14-3 69x107.75+
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? None
- (d) When was property purchased by present owner? 12-88
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NA
- _____
- _____
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____
- _____
- _____
- _____

N/A
(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of use / bulk Regs., Col. G.

| Requirements | Proposed or Available | Variance Request |
|---------------------------|-----------------------|------------------|
| Min. Lot Area | | |
| Min. Lot Width | | |
| Reqd. Front Yd. | | |
| Reqd. Side Yd. | | |
| Reqd. Rear Yd. <u>40'</u> | <u>16'</u> | <u>24'</u> |
| Reqd. Street Frontage* | | |
| Max. Bldg. Hgt. | | |
| Min. Floor Area* | | |
| Dev. Coverage* % | % | % |
| Floor Area Ratio** | | |
| Parking Area | | |

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

The deck enhances the property along with the flower gardens surrounding it. The structure has rails surrounding it in order to prevent any detriment to one's safety.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

| | <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|--------|---------------------|------------------------------|-------------------------|
| Sign 1 | _____ | _____ | _____ |
| Sign 2 | _____ | _____ | _____ |
| Sign 3 | _____ | _____ | _____ |
| Sign 4 | _____ | _____ | _____ |

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

N/A
(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation: *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Safeguards: rails lining the perimeter of the deck.

Landscaping: flower gardens built around the deck.

Lighting: provided by house outside.

We are concerned with maintaining & creating an esthetically pleasing, safe and welcome environment in our property.

✓ IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
☒ Copy of tax map showing adjacent properties.

- 4 -

ROGERS, TERRI/CURRY, ROSELLA

MR. NUGENT: Request for 24 ft. rear yard variance for existing deck at 12 Myrtle Avenue in an R-4 zone.

Ms. Terri Rogers appeared before the board for this proposal.

MR. NUGENT: Just tell the board for the record what the reason for your variance is and then we'll go from there.

MS. ROGERS: It is for a pre-existing deck. It was there when we purchased the house six years ago, we refinanced our house a few months ago, discovered that policy rules have changed, we had to submit to a violations check and our deck is found in violation. Therefore, we had to post a \$500 bond which will be refunded upon the granting of the variance.

MR. HOGAN: We saw photographs of this.

MS. ROGERS: Photographs were, all of our photos are in the office.

MR. KRIEGER: You have either central water or central sewer there?

MR. NUGENT: They've got both.

MS. ROGERS: Yes, we have.

MR. TORLEY: And the deck was there when you purchased the house?

MS. ROGERS: Yes, sir.

MR. TORLEY: You feel there will be--is there anyplace you can move the deck within an economically feasible manner that would, so it wouldn't require the variances?

MS. ROGERS: No, sir, I have the survey, we have a rear door here and it goes on to the deck.

MR. TORLEY: To move this someplace on to the property, would be economically infeasible?

MS. ROGERS: Correct.

MR. TORLEY: You don't consider this to cause any detriment to the neighbors?

MS. ROGERS: They sit on it more than we do.

MR. TORLEY: It's clear that none of your neighbors are here in opposition.

MR. HOGAN: They are home sitting on the deck.

MR. TORLEY: Ma'am, what you're seeking is an area variance and for that, we have to establish the things I was asking, is it an economically feasible thing for you to alter it to fit the zoning code so it is not causing a detriment to your neighbors or public health and safety problem?

MS. ROGERS: That is correct.

MR. NUGENT: Any other questions?

MR. KRIEGER: Are there other houses in the area with decks?

MS. ROGERS: Yes.

MR. KRIEGER: It's all one family houses where you are, right?

MS. ROGERS: That is correct.

MR. TORLEY: Do you consider this, again, for the record, do you consider this requested area variance to be substantial?

MS. ROGERS: Yes, I do.

MR. TORLEY: You have already addressed that. You do not feel it will have an adverse effect on the physical or environmental conditions of the neighborhood?

MS. ROGERS: Yes.

MR. TORLEY: Was the difficulty self-created? Did you build the deck yourself?

MS. ROGERS: No.

MR. KRIEGER: She said it was pre-existing.

MR. TORLEY: I have no other questions.

MR. NUGENT: I'll open it up to the public. Seeing how there's no public, I'll close it and open it back up to the board for a motion.

MR. LANGANKE: I make a motion we grant the applicant's request for a variance.

MR. KANE: Second it.

ROLL CALL

| | |
|--------------|-----|
| MR. TORLEY | AYE |
| MR. LANGANKE | AYE |
| MR. HOGAN | AYE |
| MR. NUGENT | AYE |
| MR. KANE | AYE |

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 2

Request of Rosella Curry & Terri Rogers

for a VARIANCE of

the regulations of the Zoning Local Law to

permit Existing rear deck with insufficient
rear yard;

being a VARIANCE of

Section 48-12 Table of use/bulk reg. column G.
for property situated as follows:

12 Myrtle Ave.

New Windsor NY 12553.

Section 13 - Block 14 - Lot 3.

SAID HEARING will take place on the 14th day of
February, 1994, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

James Nugent.
Chairman

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----X
In the Matter of Application for Variance of

Terri Rogers & Rosella Curry,

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

94-2.

-----X
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age
and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On 2/1/94, I compared the 84 addressed
envelopes containing the attached Notice of Public Hearing with
the certified list provided by the Assessor regarding the above
application for variance and I find that the addressees are
identical to the list received. I then mailed the envelopes in a
U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
1st day of February, 1994.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1995

(TA DOCDISK#7-030586.AOS)

Prelim:
Jan 10, 1994.
7:30 p.m.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

#94-2.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: NOVEMBER 23, 1993

APPLICANT: TERRI ROGERS
12 MYRTLE AVENUE
NEW WINDSOR, N.Y. 12553

+ Rosella Curry.

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: NOVEMBER 23, 1993
FOR (BUILDING PERMIT): EXISTING REAR DECK.

LOCATED AT: 12 MYRTLE AVENUE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 13, BLOCK: 14, LOT: 3
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT REAR YARD SET-BACK


BUILDING INSPECTOR

| REQUIREMENTS | PROPOSED OR AVAILABLE | VARIANCE REQUEST |
|---------------------|--------------------------|---------------------|
| ZONE: R-4 | USE G-10 | |
| MIN. LOT AREA | | |
| MIN. LOT WIDTH | | |
| REQ'D FRONT YD | | |
| REQ'D SIDE YD | | |
| REQ'D TOTAL SIDE YD | | |
| REQ'D REAR YD. | 40FT. | 17FT. 23FT. |

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

PLEASE PRINT INFORMATION

Name of Owner of Premises Roseella Curry And Terri Rogers
Address 12 Myrtle Ave New Windsor Phone (914) 5655616
Name of Architect _____
Address _____ Phone _____
Name of Contractor _____
Address _____ Phone _____
State whether applicant is owner, lessee, agent, architect, engineer or builder Owner
If applicant is a corporation, signature of duly authorized officer: _____

(Name and title of corporate officer)

1. On what street is property located? On the W side of Myrtle Ave
(N.S.E. or W.)
and _____ feet from the intersection of Clancy Ave
2. Zone or use district in which premises are situated _____ Is property a flood zone? Yes _____ No ✓
3. Tax Map description of property: Section 13 Block 14 Lot 3

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
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13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

PLEASE PRINT INFORMATION

Name of Owner of Premises Roseella Curry And Terri Rogers
 Address 12 Myrtle Ave New Windsor Phone (914) 565 5616
 Name of Architect _____
 Address _____ Phone _____
 Name of Contractor _____
 Address _____ Phone _____
 State whether applicant is owner, lessee, agent, architect, engineer or builder Owner
 If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the W side of Myrtle Ave
 and _____ feet from the intersection of Clancy Ave
 (N.S.E. or W.)
2. Zone or use district in which premises are situated _____ Is property a flood zone? Yes _____ No ✓
3. Tax Map description of property: Section 13 Block 14 Lot 3
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 a. Existing use and occupancy Living (Home) b. Intended use and occupancy Same
5. Nature of work (check which applicable): New Building _____ Addition ✓ Alteration _____ Repair ✓
 Removal _____ Demolition _____ Other _____
6. Size of lot: Front Rear _____ Depth _____ Front Yard _____ Rear Yard _____ Side Yard _____
 Is this a corner lot? NO
7. Dimensions of entire new construction: Front _____ Rear _____ Depth _____ Height 16 inches Number of stories _____
8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____
 Number of bedrooms _____ Baths _____ Toilets _____
 Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
 If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee _____
 (to be paid on this application)
11. School District Newburgh

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
 Approved.....19.....
 Disapproved a/c.....
 Permit No.....

Office Of Building Inspector
 Michael L. Babcock
 Town Hall, 555 Union Avenue
 New Windsor, New York 12550
 Telephone 565-8807

Refer —

Planning Board.....
 Highway.....
 Sewer.....
 Water.....
 Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

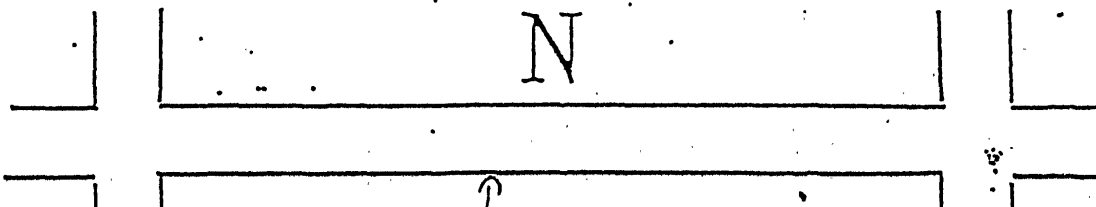
Tina L. Rogers
 (Signature of Applicant)

12 Myrtle Ave New Windsor NY
 (Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Refer —

Planning Board.....

Highway.....

Sewer

Water

Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

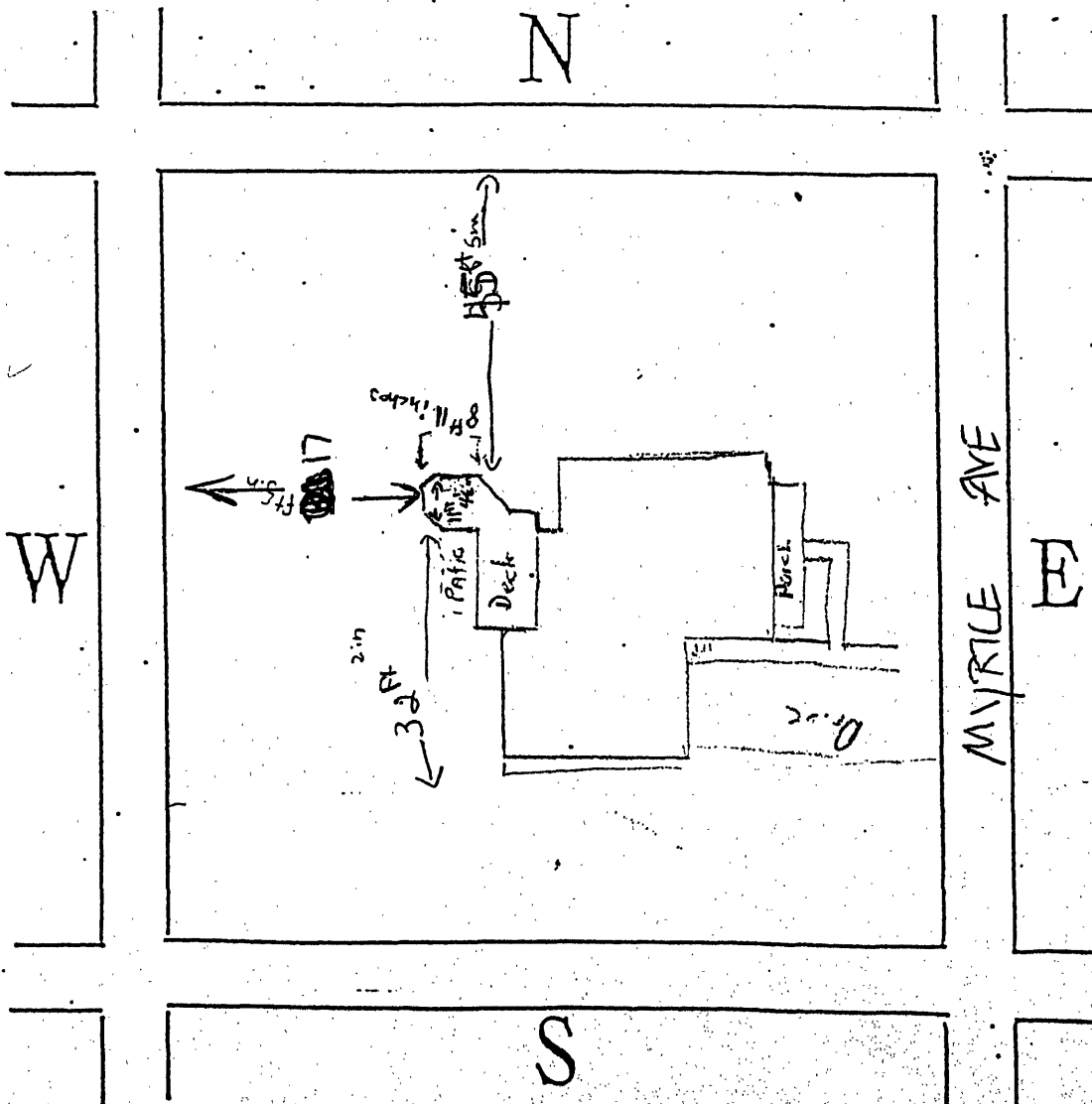
Terris L. Rogers
(Signature of Applicant)

12 Myrtle Ave New Windsor Ny
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



FELDMAN-JACOBSON ABSTRACT CORPORATION
94 Market Street, Poughkeepsie, NY 12601, ((914)) 454-1171

November 03, 1993

Terri Rogers
Rosella Curry
12 Myrtle Avenue
New Windsor, NY 12553

RE: Title NO. 9311040791
Curry/Rogers w/Empire of America
MYRTLE AVENUE

Dear Mr. Rogers and Ms. Curry:

Enclosed please find preliminary report for title insurance covering the above captioned transaction.

The premium due for placing the \$88,000.00 Mortgage Title Insurance Policy will be discounted due to prior fee insurance of \$122,000.00 and will be \$300.00 minus the \$150.00 deposit we have already received.

There may also be additional charges for the endorsements listed on the sheet included herewith as same may be required by the bank.

Kindly review the report and advise at your earliest convenience when the closing will take place so we can arrange our schedule to attend.

If you have any questions, please do not hesitate to call our office.

Very truly yours,

FELDMAN-JACOBSON ABSTRACT CORPORATION

BY: 

Robert A. Feldman

RAF:bb

Enclosures

CC: Fidelity Home Mortgage Corp. (Route 17M, Goshen, NY 10924 (2))

CC: Fleet Norstar (PO BOX Q, Cornwall, NY 12518 - Attn: Mrs. Pinder - Loan No. 5217685024000461 - sent as a courtesy so existing home equity loan may remain open)

Number 9311040791

CERTIFICATE FOR TITLE INSURANCE

Issued by

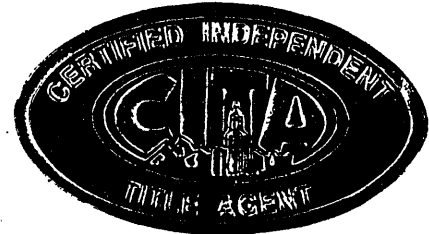
CHICAGO TITLE INSURANCE COMPANY

Chicago Title Insurance Company, a Missouri Corporation, herein called the Company, certifies to the Applicant named on the following page that an examination of title to premises described in Schedule A has been made in accordance with its usual procedure and agrees to issue the ALTA (10-17-92) Owner's or Lender's form of insurance policy as modified by the New York Coverage Endorsements in the amount and for the transaction set forth herein and subject to the exclusions from coverage and the conditions and stipulations therein contained.

After the closing of the transaction, in conformance with the requirements and procedures of the Company, the Company will issue the policy and except (i) all loss or damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth in Schedule B herein that are not disposed of to the satisfaction of the Company prior to such closing or issuance of the policy (ii) any questions or objection coming to the attention of the Company before the date of closing, or if there be no closing, before the issuance of the policy.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused its corporate name and seal to be hereunto affixed by its duly authorized officers on the date shown in Schedule A.

Questions concerning the within Certificate should be directed to:



Issued by:
FELDMAN-JACOBSON ABSTRACT CORP.
94 Market Street
Poughkeepsie, New York 12601
(914) 454-1171

CHICAGO TITLE INSURANCE COMPANY

By:

Dated:

Certified by:

Authorized Signature

Redated:

by:

Authorized Signature



ATTEST:

Thomas J. Adams

President

Secretary

This certificate is intended for lawyers only. Such exceptions as may be set forth herein may affect marketability of title. Your lawyer should be consulted before taking any action based upon the contents of this certificate. The Company's representative at the closing hereunder may not act as legal advisor to any of the parties or draw legal instruments for them. Such representative is permitted to be of assistance only to an attorney. It is advisable to have your attorney present at the closing.

CHICAGO TITLE INSURANCE COMPANY

Regional Main Office
1211 Avenue of the Americas
New York, New York 10036-8701

Chicago Title Insurance Company

Title No. 9311040791

SCHEDULE A

1. Effective date: October 18, 1993

redated:
redated:

by
by

2. Policy or Policies to be issued:

Amount

(a) ☒ Owner's Policy, NYBTU, 100E

Proposed Insured:

(b) ☒ Loan Policy, ATA

\$88,000.00

Proposed Insured: Empire of America Realty Credit Corp.
its successors and/or assigns

(c) ☐ Policy

Proposed Insured:

3. Title to the FEE SIMPLE estate or interest in the land described or referred to in this commitment is at the effective date hereof vested in:

Rosella Curry, Terri L. Rogers

TITLE acquired by DEED from Daniel G. Canissario and Lori Canissario, husband and wife, dated 12/13/88 and recorded 12/23/88 in Liber 3059 of Deeds at page 290.

4. The land referred to in this Commitment is described on the description sheet attached.

CERTIFICATION - SCHEDULE A

Chicago Title Insurance Company

SCHEDULE B - SECTION 1

The following are requirements to be complied with:

BLANKET POLICY

- A. If the application is for insurance under a master or blanket policy all of the following items under this Schedule B will be excepted from coverage in the Commitment of Title Insurance to be issued hereon unless disposed of to the satisfaction of the Company or on prior to closing.

IDENTITY OF PARTIES

- B. The identity of parties at the closing of this title should be established to the satisfaction of the closer.

SECTION 13 OF LIEN LAW

- C. Deeds and mortgages must contain the covenant required by Section 13 of the Lien Law and such covenant must be absolute and not conditional. The covenant is not required in deeds from referees or other persons appointed by a court for the sole purpose of selling property.

ASSIGNMENT OF MORTGAGE OR OTHER LIEN

- D. When the transaction is an assignment of a mortgage or other lien, an estoppel certificate executed by the owner of the fee and by the holders of all subsequent encumbrances must be obtained. When the transaction is a mortgage, the amount actually advanced should be reported to the Company.

MATTERS AFTER EFFECTIVE DATE OF COMMITMENT

- E. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record, the estate or interest of mortgage thereon covered by this Commitment.

CORPORATE GRANTOR

- F. If the present transaction consists in whole or in part of a conveyance or lease by a corporate grantor or lessor, there must be compliance with Section 909 of the Business Corporation Law. We will require the written consent to such conveyance or lease by all of the holders of the outstanding shares of the said corporation and the instrument on closing should so recite. In lieu thereof the consent of the holders of two-thirds of all of the outstanding shares entitled to vote thereon obtained at a meeting duly noticed and called for the purpose of obtaining such consent in the manner provided for in Section 605 of the Business Law is required and the instrument on closing should so recite. If neither of the above is obtained, then, the proofs showing the basis upon which the conveyance or lease is to be made must be submitted to counsel prior to closing.

CORPORATE MORTGAGOR

- G. If the present transaction consists in whole or in part of the making of a new mortgage there must be compliance with Section 911 of the Business Corporation Law. We will require a certified copy of the resolution of the board of directors of any corporate mortgagor authorizing the making of said mortgage.

Proof must also be shown that the consent of stockholders of the mortgagor corporation is not required by its certificate of incorporation or amendments thereto for the making of said mortgage.

The mortgage should contain a recital showing that it was made and executed pursuant to the resolution of the board of directors of the mortgagor.

CONTRACT

- H. If this commitment requires a conveyance of the fee estate and the contract therefor has not been submitted to the Company, it should be furnished for consideration prior to closing.

PROOF OF NO OTHER NAME

- I. Proof is required to show that the persons certified as owners herein have not been known by any other name in the 10 years last past. If they have been known by another name, all searches must be amended and run against such name and title is subject to returns, if any, on such amended searches.

(continued)

MORTGAGES

J. Mortgage(s) and assignment(s) thereof as described in the schedule(s) annexed.

TAXES

K. Taxes, assessments, water rates and sewer charges as set forth in the schedule(s) annexed

PARTIES IN POSSESSION

L. Rights of present tenants, lessees or parties in possession.

M. Proof is required to show that Rosella Curry has not been known by any other name in the 10 years last past. If she has been known by another name, all searches must be amended and run against such name and title is subject to returns, if any, on such amended searches.

N. Mortgage recorded in Liber 3697 page 344 is a Home Equity style of mortgage and as such a satisfaction of said mortgage is required to be presented at closing. If a satisfaction of said mortgage is not presented at closing the full face amount of the mortgage together with interest will have to be taken by the company at the closing until receipt of said satisfaction.

The Foreign Investment in Real Property Act (FIRPTA) became effective January 1, 1985. Real Estate transactions which involve the disposition of interest by a "Foreign Person" (as such term is defined by Section 1445 (f) of the Internal Revenue Code) are subject to compliance with the provisions of this new statute.

Chicago Title Insurance Company

Title No. 9311040791

SCHEDULE B - SECTION 2

Schedule B of the policy issued will contain the following exceptions, in addition to those noted elsewhere herein:

The following estates, interests, defects, objections to title, liens, and incumbrances and other matters are excepted from the coverage of this policy.

1. Defects and incumbrances arising or becoming a lien after the date of this policy, except as herein provided.
2. Consequences of the exercise and enforcement or attempted enforcement of any governmental war or police powers over the premises.
3. Any laws, regulations or ordinances (including, but not limited to zoning, building, and environmental protection) as to the use, occupancy, subdivision or improvement of the premises adopted or imposed by any governmental body, or the effect of any noncompliance with or any violation thereof.
4. Judgments against the insured or estates, interests, defects, objections, liens or incumbrances created, suffered, assumed or agreed to by or with the privity of the insured.
5. Title to any property beyond the lines of the premises, or title to areas within or rights or easements in any abutting streets, roads, avenues, lanes, ways or waterways, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement, unless this policy specifically provides that such titles, rights, or easements are insured.
Notwithstanding any provisions in this paragraph to the contrary, this policy, unless otherwise excepted, insures the ordinary rights of access and egress belonging to abutting owners.
6. Title to any personal property, whether the same be attached to or used in connection with said premises or otherwise.

Chicago Title Insurance Company

Title No. 9311040791

TAXES, ASSESSMENTS, WATER RATES AND SEWER CHARGES
which are liens on real property

ASSESSED VALUATION: LV \$3,500
FV \$19,000

SCHOOL DISTRICT: NEWBURGH CSD

EXEMPTION:

ASSESSED TO: Rosella Curry
Terri L. Rogers

ADDRESS: 12 MYRTLE AVENUE

ACRES OR DIMENSIONS: 71 X 108

N BY
S BY

E BY
W BY

TOWN OF

New Windsor

COUNTY OF

Orange

=====

HOW DISPOSED OF

R E T U R N S

=====

(Some of the items returned hereon may have been paid but payment not officially posted.
Receipts for such items should be produced on closing.)

Tax Map No. Section 13 Block 14 Lot 3

Property Class Code: 210

1993 State, County and Town Tax - \$925.79 paid 1/31/93

1993-94 School Tax - \$911.73 - 1st installment of \$303.91 paid 10/1/93 - 2nd and 3rd
installments of \$303.91 each due 12/8/93 and 3/8/94 respectively

Sewer and water or other assessments, if any, receipts to be produced.

(NOTE: Should we, Title Company, be required to take Escrow for any
Tax reason there is a \$35.00 Service Fee.)

Our policy does not insure against taxes, water rates, assessments, and other matters
relating to taxes which have not become a lien up to the date of the policy or installments
due after the date of the policy. Neither our tax search nor our policy covers any part of
the streets on which the premises to be insured abut.

TAX SEARCH

Chicago Title Insurance Company

Title No. 9311040791

MORTGAGES

1)

Mortgagor Rosella Curry
Terry L. Rogers

Mortgagee Empire of America Realty Credit Corp.

Amount \$ 90,000.00

Dated 12/13/88

Recorded 12/23/88

Liber 3289 page 68

a) Assignment of #1 to Fireman's Fund Mortgage Corp. dated 5/8/89 and recorded 7/27/89 in Liber 3482 page 92.

2)

Mortgagor Rosella Curry
Terry L. Rogers

Mortgagee Norstar Bank of Upstate NY

Amount \$ 12,000.00

Dated 3/16/90

Recorded 4/20/90

Liber 3697 page 344

Please arrange for pay-off letter(s) (including per diem) for mortgage(s) shown herein, to be presented at or prior to closing.

This commitment does not purport to show all the terms and provisions of the above mortgage(s). Interested parties should communicate with the holder(s) thereof to consider the terms thereof, the obligation(s) secured and the effect of any unrecorded agreements in modification thereof.

MORTGAGES

CHICAGO TITLE INSURANCE COMPANY

Title No. 9311040791

MUNICIPAL, DEPARTMENTAL AND OTHER INFORMATIONAL SEARCHES

Any searches or returns reported herein are furnished FOR INFORMATION ONLY. They will not be insured and the company assumes no liability for the accuracy thereof. They will not be continued to the date of closing.

Search made by Dept. of Buildings:

Certificate of Occupancy report, if required, to be provided by owner.

Street report:

Myrtle Avenue is maintained by the Town of New Windsor.

Print of survey made by Anthony D. Valdina dated December 6, 1988 shows a dwelling with attached deck and porch; shows patio in rear; shows paved driveway running to Myrtle Avenue; shows overhead utility lines running from house to pole located within the bounds of Myrtle Avenue.

Policy excepts changes, if any, since date of survey.

SURVEY READING

SCHEDULE A — Description

TITLE NO. 9311040791

ALL THOSE CERTAIN PIECE OR PARCEL Of land lying, situate and being in the Town of New Windsor, County of Orange and State of New York, known and designated as Lot No. 127 and part of Lot No's 5, 6, 7 and 8 from a map entitled, "Clancy Terrace, being part of property owned by J.J. Clancy" filed in the Orange County Clerk's Office on February 7, 1916 as Map No. 645, and being more particularly described as follows:

BEGINNING at a point on the northwesterly line of Myrtle Avenue, said point being 70.44' measured southwesterly along said line of Myrtle Avenue from the intersection of the northwesterly line of Myrtle Avenue with the southwesterly line of Clancy Avenue; and running thence, along the said line of Myrtle Avenue, S 44° 50' W 69.21' to a point on a cyclone fence and along the line of aforesaid Lot no. 127, N 46° 59' W 107.75' to a point at the corner of said fence; thence along said fence the following three (3) courses and distances:

- 1) N 45° 31' E 60.88' to a fence corner;
- 2) S 43° 37' 50" E 10.15' to a fence corner;
- 3) N 44° 50' E 25.0' to a fence corner; thence along another fence and through aforesaid lot no's 5, 6, 7, and 8, S 37° 32' 10" E 97.69' to the point or place of BEGINNING.

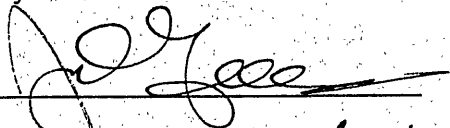
STATE OF NEW YORK, COUNTY OF ORANGE

ss:

On the 13th day of DECEMBER 19 88, before me personally came

DANIEL G. CANISSARIO & LORI CANISSARIO

to me known to be the individual s described in and who executed the foregoing instrument, and acknowledged that they executed the same.



common with
my 1st 9 Orange

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

Title No.

CANISSARIO

SECTION 13

BLOCK 14

LOT 3

COUNTY OR TOWN

ORANGE

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No. .

_____, the corporation described in and which executed the foregoing instrument; that _____ he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that _____ he signed his name thereto by like order.

SS:

On the _____ day of _____, 19____, before me
personally came _____
to me known, who, being by me duly sworn, did depose and say
that _____ he resides at No. _____

_____, the corporation described in and which executed the foregoing instrument; that _____ he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that _____ he signed his name thereto by like order.

Title No.

TO

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by



ORANGE

RETURN BY MAIL TO:

Zip No.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises, **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:


DANIEL G. CANISSARIO


LORI CANISSARIO

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT — THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 13th day of DECEMBER, nineteen hundred and eighty-eight
BETWEEN DANIEL G. CANISSARIO AND LORI CANISSARIO, husband and wife;
residing at 12 Myrtle Avenue, New Windsor, New York 12550;

party of the first part, and ROSELLA CURRY, residing at 50 Monarch Drive, Newburgh, N.Y. and
TERRI L. ROGERS, residing at 110 Garnertown Road, Newburgh, N.Y.
as joint tenants

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN AND NO/100----- dollars,

lawful money of the United States, and other good and valuable consideration paid
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors
and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and
being in the Town of New Windsor, County of Orange and State of New York, known and
designated as Lot No. 127 and part of Lot No.'s 5, 6, 7 and 8 from a map entitled,
"Clancy Terrace, Being Part of Property Owned by J.J. Clancy" filed in the Orange
County Clerk's Office on 7 February, 1916 as Map No. 645, and being more particularly
described as follows:

BEGINNING at a point on the northwesterly line of Myrtle Avenue, said point
being 70.44' measured southwesterly along said line of Myrtle Avenue from the
intersection of the northwesterly line of Myrtle Avenue with the southwesterly line
of Clancy Avenue; and running thence, along the said line of Myrtle Avenue, S 44°-
50' W 69.21' to a point on a cyclone fence; thence leaving the line of said Myrtle
Avenue along said cyclone fence and along the line of aforesaid Lot No. 127, N 46°-
59' W 107.75' to a point at the corner of said fence: thence along said fence the

part of the first part, and ROSELLA CURRY, residing at 50 Monarch Drive, Newburgh, N.Y. and
TERRI L. ROGERS, residing at 110 Garnertown Road, Newburgh, N.Y.

as joint tenants

part of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN AND NO/100----- dollars,

lawful money of the United States, and other good and valuable consideration paid
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors
and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and
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intersection of the northwesterly line of Myrtle Avenue with the southwesterly line
of Clancy Avenue; and running thence, along the said line of Myrtle Avenue, S 44°-
50' W 69.21' to a point on a cyclone fence; thence leaving the line of said Myrtle
Avenue along said cyclone fence and along the line of aforesaid Lot No. 127, N 46°-
59' W 107.75' to a point at the corner of said fence; thence along said fence the
following three (3) courses and distances:

- 1) N 45°-31' E 60.88 to a fence corner;
- 2) S 43°-37'-50" E 10.15' to a fence corner;
- 3) N 44°-50' E 25.0' to a fence corner; thence along another fence and through
aforesaid Lot No's 5, 6, 7 and 8, S 37°-32'-10" E 97.69' to the point or place
of beginning.

SUBJECT to any grants, easements and right-of-ways of record, if any.

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

*Daniel G. Canissario and
Lori Canissario*

88-11-048161

SECTION 13 BLOCK 14 LOT 3

TO
*Resella Curry and
Terry L Rogers*

RECORD AND RETURN TO:
(Name and Address)

*Paul Markel, Esq.
526 Kidney Ave
Newburgh N.Y. 12550*

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 066125 DATE 12-13-88 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED ☒ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

BG20 Blooming Grove _____
CH22 Chester _____
CO24 Cornwall _____
CR26 Crawford _____
DP28 Deerpark _____
GO30 Goshen _____
GR32 Greenville _____
HA34 Hamptonburgh _____
HI36 Highlands _____
MK38 Minisink _____
ME40 Monroe _____
MY42 Montgomery _____
MH44 Mount Hope _____
NT46 Newburgh (T) _____
NW48 New Windsor ☒
TU50 Tuxedo _____
WL52 Wallkill _____
WK54 Warwick _____
WA56 Wawayanda _____
WO58 Woodbury _____
MN09 Middletown _____
NC11 Newburgh _____
PJ13 Port Jervis _____
9999 Hold _____

SERIAL NO. _____

Mortgage Amount \$ _____

Exempt Yes _____ No _____

3-6 Cooking Units Yes _____ No _____

Received Tax on above Mortgage

Basic \$ _____

MTA \$ _____

Spec. Add. \$ _____

TOTAL \$ _____

MARION S. MURPHY
Orange County Clerk

by: _____

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on DEC 23 1988
at 9:20 O'Clock PM
in Liber/Film 3059 Deed
at page 290 and examined.

Marion S. Murphy
County Clerk

CHECK ☒ CASH ☐ CHARGE ☐

MORTGAGE TAX \$ _____

TRANSFER TAX \$ 488

RECORD. FEE \$ 14

REPORT FORMS \$ 5

CERT. COPIES \$ _____

Feldman

RECEIVED
488.00
REAL ESTATE
DEC 23 1988
TRANSFER TAX
ORANGE COUNTY

LIBER 3059 PAGE 290



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(84)

January 26, 1994

Terri L. Rogers
12 Myrtle Ave.
New Windsor, New York 12553

Re: Tax Map Parcel 13-14-3

Dear Ms. Rogers:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$105.00, minus your deposit of \$25.00. Please remit the balance of \$80.00 to the Town Clerk's office.

Sincerely,

Leslie Cook / cad

LESLIE COOK
Sole Assessor

LC/cad
Attachments
cc: Pat Barnhart

Padavano Jr., Lawrence J.
Box 440, RD 2 Quaker Street
Wallkill, NY 12589

Hulse, Walter J.
97 Clancy Ave.
New Windsor, NY 12553

Sunderlin, David L. & Lorraine A.
83 Clancy Ave.
New Windsor, NY 12553

Colandrea, Michael & Elena Marie
5 Sylvia Street
Newburgh, NY 12550

Monaco, Carmen
292 Prospect Hill Road
Wallkill, NY 12589

Faricellia Mary G.
c/o Carmen Monaco
292 Prospect Hill Road
Wallkill, NY 12589

Rodriguez, Iris & Catalino
& Rodriguez, Esther
128 Walsh Road
New Windsor, NY 12553

3 D Realty Inc.
c/o Da Mario, Carmine & Louise
61 Clancy Ave.
New Windsor, NY 12553

Jacopino, Edward A. & Ellen
140 Walsh Road
New Windsor, NY 12553

Wein, Susan & Edward J.
154 Walsh Ave.
New Windsor, NY 12553

Petrillo Properties Inc.
150 Walsh Road
New Windsor, NY 12553

Crudele, John & Anna T.
12 Merline Ave.
New Windsor, NY 12553

Sledzianowski, Emil
59 Clancy Ave.
New Windsor, NY 12553

Faricellia, John & Michael
650 Blooming Grove Tpke.
New Windsor, NY 12553

Petrillo, Ralph J. & Robert J.
& Dreyer, Gary
150 Walsh Road
New Windsor, NY 12553

Connolly, Harry T. & Mary C.
162 Walsh Ave.
New Windsor, NY 12553

Pettine, Michael J. Jr. & Geraldine A. Lee & Frederick Pettine
102 Clancy Ave.
New Windsor, NY 12553

Lee, James D. & Geraldine A.
12 Lawrence Ave.
New Windsor, NY 12553

Thompson, Edward L. Jr.
22 Lawrence Ave.
New Windsor, NY 12553

Messina, Anthony
15 Merline Ave.
New Windsor, NY 12553

Dreyer, Gary & Darla
18 Veronica Ave.
New Windsor, NY 12553

Rhodes, Charles V. Jr. & Ann E.
19 Merline Ave.
New Windsor, NY 12553

The Disabled American Veterans
c/o The Thomas D. Peterkin Post Chapter 152
Attn: Treasurer
30 Lawrence Ave.
New Windsor, NY 12553

Kadian, Dennis & Linda
36 Lawrence Ave.
New Windsor, NY 12553

Bernabo, Gina M.
40 Lawrence Ave.
New Windsor, NY 12553

Nieves, Christina
44 Lawrence Ave.
New Windsor, NY 12553

Rymaszewski, John & Helen
PO Box 1271
Huntington, NY 11743

Piperato, Rose M. X
51 Merline Ave.
New Windsor, NY 12553

Masarachia, Joseph & Mary
PO Box 2421
Newburgh, NY 12550 X

De Toro, Thomas W. & Rose M.
45 Merline Ave.
New Windsor, NY 12553 X

Nieves, Malinda
c/o Tiberio Corrieri
41 Merline Ave. X
New Windsor, NY 12553

Kerr, Hazelton M. & Anna V.
37 Merline Ave.
New Windsor, NY 12553 X

Sears, James W. & Rose T.
35 Merline Ave.
New Windsor, NY 12553 X

Boast, Ryan & Stacey
104 Lakeside Rd. X
Newburgh, NY 12550

Cimorelli, Gus & Anna S. X
29 Merline Ave.
New Windsor, NY 12553

Garzione, Nicholas A. & Jean
27 Merline Ave. X
New Windsor, NY 12553

Tolnai, Katalin X
25 Merline Ave.
New Windsor, NY 12553

Crudele, Alfred T. X
64 Clancy Ave.
New Windsor, NY 12553

Maslowski, Carol X
22 Merline Ave.
New Windsor, NY 12553

Davis, Charles H. & Fanny J.
30 Merline Ave.
New Windsor, NY 12553

Hulse, Byron & Mary
34 Merline Ave.
New Windsor, NY 12553

Smith, Everett & Mary
34 Merline Ave.
New Windsor, NY 12553

Gillispie, Gerald & Livingstone, Joan
36 Merline Ave.
New Windsor, NY 12553

Calvanico, Dominick A. & Darien M.
42 Merline Ave.
New Windsor, NY 12553

Manning, George & Shiela M.
46 Merline Ave.
New Windsor, NY 12553

Stuit, Jerry O.
48 Merline Ave.
New Windsor, NY 12553

Maher, Dennis P. & Joan L.
54 Merline Ave.
New Windsor, NY 12553

Hotaling, Richard R. & Mary Ann & Ronald, ETAL
95 Myrtle Ave.
New Windsor, NY 12553

Petrizzo, Anthony J.
41 Myrtle Ave.
New Windsor, NY 12553

Menga, Bartholew & Alice
39 Myrtle Ave.
New Windsor, NY 12553

Marshall, Barry F. & Mary Ann
31 Myrtle Ave.
New Windsor, NY 12553

Choudhry, Azam
PO Box 4636
New Windsor, NY 12553

Babcock, John T. Jr. & McAteer, Colleen
23 Myrtle Ave.
New Windsor, NY 12553

Kaczmarek, John
13 Myrtle Ave.
New Windsor, NY 12553

Duda, John L. & Janet X
80 Clancy Ave.
New Windsor, NY 12553

Bucci, Richard S. X
2 Myrtle Ave.
New Windsor, NY 12553

Reardon, Joseph A. & Ethel K. X
14 Myrtle Ave.
New Windsor, NY 12553

Cangelosi, Gasper & Elizabeth
20 Myrtle Ave.
New Windsor, NY 12553 X

Carlson, Carl E. & Gwendolyne E.
26 Myrtle Ave.
New Windsor, NY 12553 X

Makarewicz, Edward X
31 Cherry Ave.
New Windsor, NY 12553

Flagler, Richard P. & Jane X
Box 116 Plains Rd.
Wallkill, NY 12589

Cardamone, Frank & Anna X
27 Cherry Ave.
New Windsor, NY 12553

Makarewicz, Stanley R. & Dorothea Janet
17 Cherry Ave.
New Windsor, NY 12553 X

Bonet, Hector M. & Catherine F. X
15 Cherry Ave.
New Windsor, NY 12553

Wilsons & Conklins Modern Vending Inc. X
5 Koran Ave.
New Windsor, NY 12553

Brock, Larence H. & Roberta J. X
106 Clancy Ave.
New Windsor, NY 12553

Pettine, Michael J. Jr. & Wilma X
102 Clancy Ave.
New Windsor, NY 12553

Heller, Kenneth H. & Patricia X
100 Clancy Ave.
New Windsor, NY 12553

Nieves, William & Catalina X
96 Clancy Ave.
New Windsor, NY 12553

Spignardo, John N. & Dora A.
82 Clancy Ave.
New Windsor, NY 12553 X

Smith, Albina J. Bugiada X
2 Cherry Ave.
New Windsor, NY 12553

Cavicchio, Leonard & Evelyn X
4 Cherry Ave.
New Windsor, NY 12553

Jones, Lawrence & Loretta E. X
22 Cherry Ave.
New Windsor, NY 12553

Dell, Donald J. & Lucille J. X
28 Cherry Ave.
New Windsor, NY 12553

Cannon, Kevin T. & Lisa M. X
32 Cherry Ave.
New Windsor, NY 12553

Radulski, Janet M. X
23 Koran Ave.
New Windsor, NY 12553

Cruz, Willibaldo & Hortencia & Narcisco X
40 Benkard Ave.
Newburgh, NY 12550

The Town of New Windsor X
555 Union Avenue
New Windsor, NY 12553

Horan, Dianna L. X
77 Walsh Road
New Windsor, NY 12553

Glynn, Arthur G. & X
Lowe, Edward J.
68 Walsh Road
New Windsor, NY 12553


Air Products & Chemicals Inc.. X
PO Box 2608
Lehigh Valley, PA 18001-2608

Thompson, Ellen W. X
135 Walsh Road
New Windsor, NY 12553

F.T. Realty Holding Corp. X
c/o Fred E. Thompson

135 Walsh Road
New Windsor, NY 12553

Miron, Stephen E. & Kenneth L.
c/o Federal Block Corp.
129 Walsh Road
New Windsor, NY 12553



ROGERS, TERRY

MR. NUGENT: Request for 23 ft. rear yard variance for existing deck at 12 Myrtle Avenue in an R-4 Zone.

Mrs. Terry Rogers appeared before the board for this proposal.

MR. NUGENT: Just tell us what you want to do and the board members may have questions.

MRS. ROGERS: The deck is pre-existing. We moved into the house in 1988, the deck was there. We've come to find out that there was no permit applied for by the previous owner who constructed the deck but to clear up this violation and we're here to apply for a variance.

MR. LUCIA: When you say the deck is pre-existing you mean pre-existing your ownership of the property?

MRS. ROGERS: Yes.

MR. LUCIA: The word pre-existing usually is when something pre-exists any zoning in the Town of New Windsor before 1966. I assume the house itself pre-exists zoning, the house was built?

MR. BABCOCK: 1940.

MR. LUCIA: So there's no problem on front yard, side yards all of which would be deficient under current zoning. The one thing I would suggest that you do, I see there is a survey which shows offsets for the house but it does not have that rear yard measurement. I guess it is for the deck which you're basing the 23 foot variance application on so I suggest that you doublecheck that measurement because neither this board nor the building inspector checks your measurements. So if it turns out you're wrong, you do it at your peril. We only use the numbers you give us so I'm not suggesting necessarily that you hire a surveyor but be very confident of the rear yard measurement of 17 feet.

MRS. ROGERS: I have a current survey.

January 10, 1994

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MR. LUCIA: It shows 17 foot dimension. In other words, from the deck to the rear line is the dimension that I'm questioning. You don't necessarily have to get the surveyor to do it again but be very sure that the measurement is accurate.

MR. LUCIA: I think copy is in the file. What I am referring to you see the surveyor shows your offsets from the front and side but doesn't show this dimension and that is the one that is critical for your variance application. I'm not necessarily saying have him do it again but make sure that measurement is accurate from the edge of the deck would be I guess the northwest side of the deck to the rear property, very critical measurement.

MR. LANGANKE: The shorter part of the property line.

MR. TORLEY: You might want to give yourself a little extra if it is 17 feet, ask for 18 just to cover yourself. Go out and measure it and be sure because you don't want to have to do this again.

MR. LANGANKE: How did they come up with 23?

MR. NUGENT: 40 foot rear.

MR. TORLEY: Do you have a good property mark in the back where you can see it?

MRS. ROGERS: No, we don't.

MR. TANNER: You just don't want to make a mistake and when you go to sell the house, find out that the numbers are wrong and you have to come back and get it revised.

MR. NUGENT: Are you refinancing?

MRS. ROGERS: Yes.

MR. NUGENT: Because the banks didn't ask in '88 now they are asking for everything.

MR. TORLEY: You're not alone.

MRS. BARNHART: Everybody in Town found out this year.

MRS. ROGERS: Where do I go?

MR. NUGENT: Just hang loose and we'll take care of you.

MR. TORLEY: Ma'am, you have the original survey back?

MRS. ROGERS: Yes.

MR. NUGENT: Other questions by the board? Hearing none, I'll accept a motion.

MR. TANNER: Make a motion we set Miss Rogers up for a public hearing.

MR. TORLEY: Second it.

ROLL CALL

| | |
|--------------|-----|
| MR. HOGAN | AYE |
| MR. LANGANKE | AYE |
| MR. TANNER | AYE |
| MR. TORLEY | AYE |
| MR. NUGENT | AYE |

MR. NUGENT: If you come up here, we'll give you your paperwork that you need to complete the next phase of this. You were just approved for a public hearing.

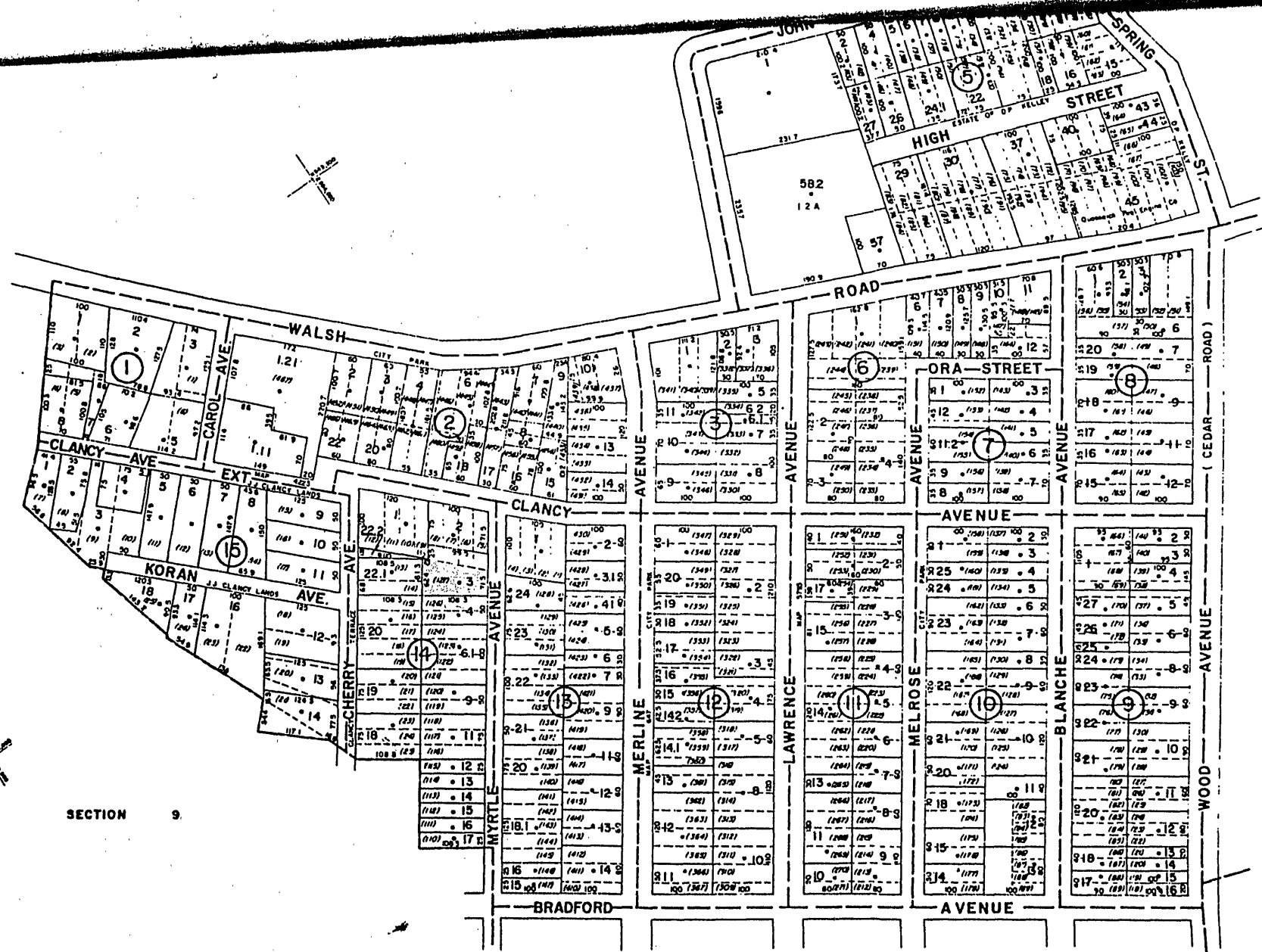
MR. LUCIA: Pat handed you an instruction sheet on the top and application that is under it. I think the explanation is fairly self-explanatory. If you have any questions, don't hesitate to give her a call. Complete that application, return it to her and the board will put you on the agenda for a public hearing. You come back and explain to the board why it is you need relief from the zoning ordinance and I'm going to give you a partial copy of Section 267B of the Town Law. I put an arrow in the margin there opposite the sections relevant to area variances which is what you need. There are 5 specific factors this board has to consider in deciding your area variance application so

when you come back, be prepared to speak to each of those 5 issues. With regard to why the deck is placed where it is and why it is you need a variance. Basically, this board has to engage in a balancing test weighing the benefit to you in granting the variance as against the detriment to the public health, safety and welfare by allowing you to do something other than what the zoning law requires. And those five factors speak to the issue. When you come back to the public hearing, I'd like you to bring a copy of your deed and title policy and photographs so the board can see the visual impact of the deck and the yard.

MRS. ROGERS: I have photographs with me.

MR. LUCIA: Just bring them back. We don't need them tonight. Also when you submit that application to Pat, we'll need two checks, both payable to the Town of New Windsor, one for \$50 application fee and I think it's probably in there and also second for \$292 against Town consultant review fees and various disbursements the board has in handling your application. Good luck to you.

MRS. ROGERS: Thank you.



SECTION 14

SECTION 9

SECTION 15

219

ALL NEWBURGH SCHOOL DISTRICT
ALL QUASSACK BRIDGE FIRE DISTRICT

Prepared by
ORANGE CO. TAX MAP DEPT.
MAIN ST., GOSHEN, N. Y. 10884
1989
FOR TAX PURPOSES ONLY
NOT TO BE USED FOR CONVEYANCE

| LEGEND | | | |
|---------------------------|-------|------------------------------------|---------------------------|
| STATE OR COUNTY LINE | ----- | TAX MAP BLOCK NO. | ① |
| CITY TOWN OR VILLAGE LINE | ----- | TAX MAP PARCEL NO. | 1 |
| SECTION LINE | ----- | AREA | (16.7) 11.14 (16.7) 11.14 |
| BLACK & WHITE LINE | ----- | DIMENSIONS (Feet) or (Meters) etc. | |
| SPECIAL DISTRICT LINE | ----- | COUNTY HIGHWAY | COUNTY HIGHWAY |
| PROPERTY LINE | ----- | TOWN ROAD | TOWN ROAD |
| | | GRID COORDINATE CENTER | |

ORANGE COUNTY-NEW YORK

Photo No. 14-30-31 Date of Map: 9-24-87
Date of Photo: 3-1-85 Date of Revision: 3-1-81
Scale: 1" = 100'

TOWN OF NEW WINDSOR

Section No. 13